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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,201	04/16/2007	Yannick Delibie	W51.12-0030	4984
27367 7590 03/30/2010 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402				
EXAMINER				
SIDDIQUI, KASHIF				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,201

Applicant(s)

DELIBIE ET AL.

Examiner

KASHIF SIDDIQUI

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Applicants' communication filed on 1/28/2010. In virtue of this communication, claims 1-18 are currently presented in the instant application.

Response to Arguments

2. With regard to Applicant's that claims 1, 2, 5 and 5 are of different scope with respect to claims 15-18, Examiner has withdrawn the Double patenting rejection.

3. Applicant's remaining arguments filed 1/28/2010 have been fully considered but they are not persuasive. Applicant asserts that Rusch does not disclose or suggest using location information to detect presence of said terminal in a geographic coverage area associated with a local communication network. Examiner respectfully disagrees. Rusch teaches (par. 0017-0018) that a GPS receiver can be used to determine the geographic location of device 100, and on the basis of said location, calculates the characteristics of available networks. An available network would be a network that is capable of allowing the device 100 to communicate in said available network. Wireless networks have defined coverage areas and devices within said area would discover such networks as being available. Because the device would determine which networks are available based on its own location and the device would only discover networks that is was capable of communicating with, the device would inherently be present within the available networks coverage (i.e. geographic) area.

4. Applicant asserts that Rusch uses a plurality of information for selecting the communication network whereas the present invention only uses one information.

Examiner respectfully disagrees. Claim one of the present application recites "means for detecting, on the basis of at least one information item ..." (emphasis added). The present invention would therefore also be capable of utilizing a plurality of information for selecting the communication network and therefore Rusch would read on claim 1. Thus, the limitations of claim 1 have been met.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-4 and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by publication number US 2003/0100308 A1 to Rusch (hereinafter Rusch).**

With regard to claim 1, the limitation "A dual-mode terminal comprising: a first operating mode allowing for access to at least one radiocommunication network, a second operating mode allowing for access to at least one second local communication network" is met (by Rusch, par. 0003-0004 and 0010, where a wireless device can transition between networks, for instance from a CDMA network (i.e. first mode) to a WLAN network (i.e. second mode)).

The limitation “means for detecting, on the basis of at least one information item on the location of said terminal, the presence of said terminal in a geographic coverage area associated with said second network, called positive presence” is met (by Rusch, par. 0017-0018, where geographic location information is used to determine the characteristics of available networks).

The limitation “and means, which are activated in the case of positive presence, for connecting to said second network, so that said terminal then operates first in said second mode” is met (by Rusch, Fig. 2, where once the available networks are characterized, a network is selected and then a communication session is initiated).

The limitation “wherein said detection means implement a comparison between said information on the location of said terminal and a list of location information corresponding to said geographic coverage area associated with said second network, called a coverage list, stored in said terminal” is met (by Rusch, Fig. 2 and par. 0018, where the available networks are characterized on the basis of location information of the networks stored in a memory [of the device]).

With regard to claim 2, the limitation “wherein the case of positive presence, the terminal operates according to said second mode when it is in communication with another terminal also present in a geographic coverage area associated with said second network” is met (by Rusch, par. 0010, where the device can communicate with PCs, mobile phones, and other portable devices in accordance with a short-range communication protocol).

With regard to claim 3, the limitation "wherein said location information comprises any one of the following belonging to the group consisting of: an identifier of a cell of said first radiocommunication network to which said dual-mode terminal is connected; a GPS ("Global Positioning System") geographic position of said terminal; an AGPS ("Assisted Global Positioning System") geographic position of said terminal; and a Galileo-type geographic position of said terminal" is met (by Rusch, par. 0018, where a GPS receiver may be used).

With regard to claim 4, the limitation "wherein said means for connecting include means for identifying said terminal by an access server for accessing said second network and means for registering said information on the location of said terminal by a registration server of said second network, wherein said registration server manages location information associated with a set of predetermined terminals" is met (by Rusch, 0003-0004, 0010, and 0029, where a communication session is initiated with the selected network. A WLAN network would comprise a node or access point (i.e. access server) which would inherently register the terminal to allow access and manage the connection).

With regard to claim 12, the limitation "wherein said first radiocommunication network comprises any one of the following belonging to the group consisting of: GSM ("Global System for Mobile Communications") networks; GPRS ("General Packet Rate

Service") networks; UMTS ("Universal Mobile Telecommunication System") networks; CDMA ("Code Division Multiple Access") networks" is met (by Rusch, par. 0010, where the radio interfaces can include GSM, GPRS, and CDMA).

With regard to claim 13, the limitation "wherein said second local communication network is comprises a WLAN ("Wireless Local Area Network") network" is met (by Rusch, par. 0010, where the radio interfaces can include WLAN).

With regard to claim 14, the limitation "wherein the terminal comprises any one of the following belonging to the group consisting of: cellular telephones; PDAs ("Personal Digital Assistant"); portable computers" is met (by Rusch, par. 0008, where the device can be a wireless telephone, a PDA, or a laptop).

Claim(s) 15 is/are rejected for the same reasons as set forth in claim 1 above, because they have similar limitations.

Claim(s) 16 is/are rejected for the same reasons as set forth in claim 2 above, because they have similar limitations.

Claim(s) 17 is/are rejected for the same reasons as set forth in claim 4 above, because they have similar limitations.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 5-11 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Rusch as applied to claims 1 and 15 above, and further in view of publication number US 2005/0013264 A1 to Sundberg.**

With regard to claim 5, does not explicitly teach the limitation "wherein the terminal includes means for storing at least one connection profile for connecting said terminal to said second network, wherein each of said connection profiles associates at least one parameter for connection to said second network with one of said location information items of said coverage list." However, attention is directed to Sundberg (which teaches, Abstract and par. 0019-0021, that after a first connection is authorized and established with a first radio device of a mobile terminal and the mobile terminal moves into a coverage area of a second network, the same authorization information (of the first network) is used to authorize connection to the second network with a second radio device of the mobile terminal; therefore a connection profile).

Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the Rusch invention by employing the teaching

as taught by Sundberg to provide a means for storing a connection profile that could be used for connecting to the second network. The motivation for the combination is given (by Sundberg, par. 0001 and 0009, where the invention relates to switching access for a mobile terminal between overlapping networks, for example accessing a GSM/GPRS network and a WLAN).

With regard to claim 6, does not explicitly teach the limitation "wherein said connection parameter comprises any one of the following belonging to the group consisting of: an identifier of an access server for accessing said second network; an identifier of a registration server of said second network; an SIP ("Session Initiation Protocol") address of said terminal in said second network; an identifier of said terminal in said first network." However, attention is directed to Sundberg (which teaches, par. 0013, that an identity code of the mobile phone may be stored in a SIM card).

Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the Rusch invention by employing the teaching as taught by Sundberg to provide an identifier of the terminal for connecting to the first network. The motivation for the combination is given (by Sundberg, par. 0001 and 0009, where the invention relates to switching access for a mobile terminal between overlapping networks, for example accessing a GSM/GPRS network and a WLAN).

With regard to claim 7, does not explicitly teach the limitation "wherein said connection profile(s) also include at least one application parameter of said second

network.” However, attention is directed to Sundberg (which teaches, par. 0014, that a WLAN connection may be secured by means of a certificate stored in the terminal).

Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the Rusch invention by employing the teaching as taught by Sundberg to provide an application parameter of the second network in the connection profile in order to secure a connection. The motivation for the combination is given (by Sundberg, par. 0001 and 0009, where the invention relates to switching access for a mobile terminal between overlapping networks, for example accessing a GSM/GPRS network and a WLAN).

With regard to claim 8, does not explicitly teach the limitation “wherein said application parameter comprises any one of the following belonging to the group consisting of: an identifier of the domain name server DNS of said second network; an identifier of the HTTP or FTP proxy server of said second network; an IP (“Internet Protocol”) address of said terminal in said second network; an identifier of the SMTP (“Simple Mail Transfer Protocol”) server of said second network.” However, attention is directed to Sundberg (which teaches, par. 0014, that a WLAN connection may be secured by means of a certificate stored in the terminal. A security certificate would contain the server name (i.e. identifier)).

Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the Rusch invention by employing the teaching as taught by Sundberg to provide an application parameter in the connection profile that

would include an identifier of the server. The motivation for the combination is given (by Sundberg, par. 0001 and 0009, where the invention relates to switching access for a mobile terminal between overlapping networks, for example accessing a GSM/GPRS network and a WLAN).

With regard to claim 9, does not explicitly teach the limitation "wherein said connection profile(s) also include at least one parameter for authenticating said terminal in said second network." However, attention is directed to Sundberg (which teaches, par. 0014, that a WLAN connection may be secured by means of a certificate stored in the terminal which can then be used for generating an encryption key for authenticating the terminal).

Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the Rusch invention by employing the teaching as taught by Sundberg to provide in the connection profile a parameter to be used for authentication. The motivation for the combination is given (by Sundberg, par. 0001 and 0009, where the invention relates to switching access for a mobile terminal between overlapping networks, for example accessing a GSM/GPRS network and a WLAN).

With regard to claim 10, Rusch and Sundberg do not explicitly teach the limitation "wherein the terminal includes means for forced activation of said connection means, if a positive presence is not detected, wherein said connection means then implement said last connection parameter(s) used by said terminal." However, Official

Notice is taken of the fact that it is old and known that if the current presence (or location) of an object is not known, then the previous known presence (or location is used) - for example, if the GPS doesn't provide the location of the user, the GPS relies on the previous location as the current location.

Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the Rusch and Sundberg invention to provide the ability to use previous location information (i.e. connection parameter) when a current one is not available (i.e. no positive presence). The motivation for the combination would be to provide the ability to continue to establish a connection instead of having no connection.

With regard to claim 11, Rusch and Sundberg do not explicitly teach the limitation "wherein the terminal includes means for configuration of said connection profile, enabling, when said positive presence is not detected but said terminal is successfully connected to said second network, said location information stored in said profile to be updated using current location information on said terminal." However, Official Notice is taken of the fact that it is old and known to synchronize old data on a device with a server once connected.

Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the Rusch and Sundberg invention to provide the ability to update location information once connected to the network. The motivation for

the combination would be to provide the ability to have current data stored in the terminal.

Claim(s) 18 is/are rejected for the same reasons as set forth in claim 5 above, because they have similar limitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KASHIF SIDDIQUI whose telephone number is (571)270-3188. The examiner can normally be reached on Monday through Thursday 7:30-18:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kent Chang can be reached on (571)272-7667667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KASHIF SIDDIQUI
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